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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,132

03/02/2006

Bo Ekstrom

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27045

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ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER

MASUR, PAUL H

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,132	<b>Applicant(s)</b> EKSTROM ET AL.	
	<b>Examiner</b> Paul Masur	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/02/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. **Applicant's arguments, see page 6, filed 04/17/2009, with respect to the Information Disclosure Statement have been fully considered and are persuasive.**

The examiner has considered the missing foreign publications, which were unavailable at the time of the last action. In addition, the examiner located the missing PG Pub and considered the document. The objection of the Information Disclosure Statement has been withdrawn.

2. **Applicant's arguments, see page 6, filed 04/17/2009, with respect to the Drawings have been fully considered and are persuasive.** The objection of Figure 1 has been withdrawn.

3. **Applicant's arguments, see page 7, filed 04/17/2009, with respect to the 35 U.S.C. § 101 rejection have been fully considered and are persuasive.** The 35 U.S.C. § 101 rejection of claims 12-19 has been withdrawn.

4. **Applicant's arguments with respect to claims 12-22 have been considered but are moot in view of the new ground(s) of rejection.**

### ***Claim Rejections - 35 USC § 102***

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**6. Claims 12-8, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallinder et al. (WO 01/91374, cited in IDS dated 03/02/2006).**

**7. As per claim 12,** Wallinder et al. teach a method for monitoring media flow in a telecommunication network having a control domain for handling session control and a bearer domain for handling media flow, comprising the steps of:

storing, in a database in the control domain, identification of a first subscriber for which monitoring is desired [Wallinder, fig. 1, element 10, pg. 15, lines 26-29, "Information about users that are targets for the interception may be stored in the ICM 10. Also, it is possible to intercept several calls, file transfers etc. at the same time and the ICM 10 controls every interception being in progress", The ICM 10 tracks the users that are to be monitored and can handle multiple calls simultaneously.];

setting up a connection between the first subscriber and a second subscriber [Wallinder, fig. 1, element 9, pg. 14, lines 19-23, "The SK controls access agents, i.e. gateways and agents as the first agent 60 and the second agent 61, for a site. Incoming traffic from an originating access agent is routed by the SK towards the destination. The traffic is addressed towards any of the access agents in the terminating site that supports the dialed number", The call is set up as per normal.];

re-routing said media flow between the subscribers via a server function in the bearer domain [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media

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stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The IM 11 re-routes the media flow.], the server function at a fixed location that is independent from a change of location of the subscribers involved in the media flow [Wallinder, fig. 1, pg. 14, lines 24-26, “A user of an IP-telephone system is assigned to a UA that is used each time the user makes a call in the IP-telephone system regardless of the user location in the network”, The method works at a central location and is independent of subscriber movement.]; and,

monitoring the media flow that passes the server function [Wallinder, fig. 1, element 12, pg. 15, lines 21-25, “The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The MM 12 monitors the media flow.].

8. **As per claim 13**, Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claim 12. Wallinder et al. also teach further comprising the step of sending an indicator from the control domain to the bearer domain indicating that the media flow that involves the first subscriber is to be monitored [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, “The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media

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stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The IM 11 re-routes the media flow once commanded to do so by ICM 10.].

9. **As per claim 14**, Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claim 13. Wallinder et al. also teach further comprising the step of sending an address to the server function from the control domain to the bearer domain [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, “The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The IM 11 (bearer domain) re-routes the media flow once commanded to do so by ICM 10 (control domain).].

10. **As per claim 15**, Wallinder et al. teach a method for monitoring media flow in a telecommunication network having a control domain and a bearer domain, wherein session control is handled in the control domain and media flow is handled in the bearer domain, comprising the steps of:

storing, in a database in the control domain, identification of a first subscriber for which monitoring is desired [Wallinder, fig. 1, element 10, pg. 15, lines 26-29, “Information about users that are targets for the interception may be stored in the ICM 10. Also, it is possible to intercept several calls, file transfers etc. at the same time and the ICM 10 controls every interception being in progress”, The ICM 10 tracks the users that are to be monitored and can handle multiple calls simultaneously.];

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setting up a connection between the first subscriber and a second subscriber [Wallinder, fig. 1, element 9, pg. 14, lines 19-23, "The SK controls access agents, i.e. gateways and agents as the first agent 60 and the second agent 61, for a site. Incoming traffic from an originating access agent is routed by the SK towards the destination. The traffic is addressed towards any of the access agents in the terminating site that supports the dialed number", The call is set up as per normal.];

re-routing a media flow between the subscribers for which monitoring is desired via a server function in the bearer domain [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10", The IM 11 re-routes the media flow.], the server function at a fixed location, that is independent from a change of location of the subscribers involved in the media flow [Wallinder, fig. 1, pg. 14, lines 24-26, "A user of an IP-telephone system is assigned to a UA that is used each time the user makes a call in the IP-telephone system regardless of the user location in the network", The method works at a central location and is independent of subscriber movement.]; and,

monitoring the media flow when it passes the server function at the fixed location [Wallinder, fig. 1, element 12, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the

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interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The MM 12 monitors the media flow.].

11. **As per claim 16**, Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claim 15. Wallinder et al. also teach further comprising the steps of: sending an address to the server function from the control domain to the bearer domain [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, “The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The IM 11 (bearer domain) re-routes the media flow once commanded to do so by ICM 10 (control domain).].

12. **As per claim 17**, Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claim 15. Wallinder et al. also teach further comprising the step of sending an indicator from the control domain to the bearer domain indicating that the media flow that involves the first subscriber is to be monitored [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, “The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media



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stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10”, The IM 11 re-routes the media flow once commanded to do so by ICM 10.].

13. **As per claim 18**, Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claim 15. Wallinder et al. also teach further comprising the step of setting up a three-part conference between the first and second subscribers and a distribution function, wherein the distribution function is a listener only function [Wallinder, pg 13. lines 4-8, “After a court order to a law enforcement agency (LEA) to conduct lawful interception associated with, for example, a person, also called a target. The LEA then gives the lawful authorisation to a service provider, such as an internet service provider. The service provider determines the relevant target identities from the information given by the LEA and prepares interception devices for the lawful interception”, A law enforcement agency obtaining lawful authorization to monitor communications would perform listener only communication.].

14. **As per claim 20**, Wallinder et al. teach a system to monitor media flow in a telecommunication network having a control domain for handling session control and a bearer domain for handling media flow, comprising:

means for storing, in a database in the control domain, identification of a first subscriber for which monitoring is desired [Wallinder, fig. 1, element 10, pg. 15, lines 26-29, “Information about users that are targets for the interception may be stored in the ICM 10. Also, it is possible to intercept several calls, file transfers etc. at the same time and the ICM 10 controls every interception being in progress”, The ICM 10 tracks the users that are to be monitored and can handle multiple calls simultaneously.];

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means for setting up a connection between the first subscriber and a second subscriber [Wallinder, fig. 1, element 9, pg. 14, lines 19-23, "The SK controls access agents, i.e. gateways and agents as the first agent 60 and the second agent 61, for a site. Incoming traffic from an originating access agent is routed by the SK towards the destination. The traffic is addressed towards any of the access agents in the terminating site that supports the dialed number", The call is set up as per normal.];;

means for sending an indicator from the control domain to the bearer domain indicating that a media flow that involves the first subscriber is to be monitored [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10", The IM 11 re-routes the media flow once commanded to do so by ICM 10.]:

means for re-routing the media flow between the subscribers via a server function in the bearer domain [Wallinder, fig. 1, element 11, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10", The IM 11 re-routes the media flow.], the server function at a fixed location that is independent from a change of location of the subscribers involved

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in the media flow [Wallinder, fig. 1, pg. 14, lines 24-26, "A user of an IP-telephone system is assigned to a UA that is used each time the user makes a call in the IP-telephone system regardless of the user location in the network", The method works at a central location and is independent of subscriber movement.]; and,

means for monitoring the media flow that passes the server function at the fixed location [Wallinder, fig. 1, element 12, pg. 15, lines 21-25, "The CI is the media stream, e.g. speech or data, that is intended to be sent to one user from another user. When the interception is going to be performed the ICM 10 orders the IM 11 to start the interception, duplicate the intercepted media stream and transmit the duplicated media stream to the MM 12, either directly without passing the ICM 10 or by first passing the ICM 10", The MM 12 monitors the media flow.].

15. **As per claim 21**, Wallinder et al. teach the system to monitor media flow in a telecommunication network according to claim 20. Wallinder et al. also teach further comprising means for setting up a three-part conference between the first and second subscribers and a distribution function, wherein the distribution function is a listener only function [Wallinder, pg 13. lines 4-8, "After a court order to a law enforcement agency (LEA) to conduct lawful interception associated with, for example, a person, also called a target. The LEA then gives the lawful authorisation to a service provider, such as an internet service provider. The service provider determines the relevant target identities from the information given by the LEA and prepares interception devices for the lawful interception", A law enforcement agency obtaining lawful authorization to monitor communications would perform listener only communication.].

***Claim Rejections - 35 USC § 103***

**16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**17. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallinder et al. (WO 01/91374, cited in IDS dated 03/02/2006) in view of Baum (US PG Pub 2003/0200311).**

**18. As per claim 19,** Wallinder et al. teach the method for monitoring media flow in a telecommunication network according to claims 15. Wallinder et al. does not teach further comprising the step of exchanging an address to the dedicated server function with a pseudo address in order to hide the re-routing of the media flow via the server function from the first and second subscribers.

However, Baum teaches further comprising the step of exchanging an address to the dedicated server function with a pseudo address in order to hide the re-routing of the media flow via the server function from the first and second subscribers [Baum, fig. 5, paragraph 0136, " Packet forwarding may involve simple redirection of packets the monitoring station 560. Alternatively, the packets including the specified IP address are duplicated and the duplicated packets are forwarded to the monitoring station 560 while the original packets are allowed to continue on to their original destination generally unaffected by the monitoring process. The duplication and forwarding processes may involve recording of the duplicated packet flow and eventual forwarding in response to a

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forwarding request message received by the edge router from the monitoring system 560", The packets are duplicated and the address is falsified as to prevent detection at the end device.].

Thus it would have been obvious to one of ordinary skill in the art at the time the rejection was made to implement the teachings of Baum into Wallinder et al., since Wallinder et al. suggest a means to monitor IP communications in an RTP environment, and Baum suggests the beneficial use of faking addresses such as to avoid detection [Baum, fig. 5, paragraph 0136] in the analogous art of network communication monitoring.

19. **As per claim 22**, Wallinder et al. teach the system to monitor media flow in a telecommunication network according to claim 20. Wallinder et al. do not teach further comprising means for exchanging an address to the server function with a pseudo address in order to hide the re-routing of the media flow via the server function from the first and second subscribers.

However, Baum teaches further comprising means for exchanging an address to the server function with a pseudo address in order to hide the re-routing of the media flow via the server function from the first and second subscribers [Baum, fig. 5, paragraph 0136, " Packet forwarding may involve simple redirection of packets the monitoring station 560. Alternatively, the packets including the specified IP address are duplicated and the duplicated packets are forwarded to the monitoring station 560 while the original packets are allowed to continue on to their original destination generally unaffected by the monitoring process. The duplication and forwarding processes may

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involve recording of the duplicated packet flow and eventual forwarding in response to a forwarding request message received by the edge router from the monitoring system 560", The packets are duplicated and the address is falsified as to prevent detection at the end device.].

Thus it would have been obvious to one of ordinary skill in the art at the time the rejection was made to implement the teachings of Baum into Wallinder et al., since Wallinder et al. suggest a means to monitor IP communications in an RTP environment, and Baum suggests the beneficial use of faking addresses such as to avoid detection [Baum, fig. 5, paragraph 0136] in the analogous art of network communication monitoring.

### ***Conclusion***

20. **Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.** Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

The reference, Maher, III et al. (US PG Pub 2004/0215770), teaches monitoring IP network packet flows in accordance with law enforcement needs.

The reference, Pruthi et al. (US PG Pub 2002/0105911), teaches monitoring network communications in a manner that could be useful for law enforcement.

**22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Masur whose telephone number is (571) 270-7297. The examiner can normally be reached on Monday through Friday from 7:00AM to 4:30PM (Eastern Time).**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit 2416

/P. M./  
Examiner, Art Unit 2416